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dated

Opinion

November 21, 1956

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SEP 22 1998

CONCORD, N.H.

Mr. Edward J. Jensen, Survey Supervisor
Bureau of Communicable Disease Control
State Department of Health
Concord, New Hampshire

Dear Mr. Jensen:

This is in response to your letter dated October 18, 1956 which for some reason did not arrive in this office until today.

You request our opinion as to whether the State of New Hampshire is liable for damage done to clothing of Mrs. Eleanor Hurd, an employee of the Laconia State School while she was being x-rayed by the Mobile X-ray Unit of the New Hampshire State Department of Health. It appears that the incident did not occur in the course of the performance of her duties at the school.

The State of New Hampshire cannot be sued for such damage without its consent. Neither this office nor your department has the power to consent to such suit against the State. Only the Legislature can indemnify Mrs. Hurd for damages sustained.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB:W